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10/808,036	03/24/2004	Dan Scott Johnson	100201135-1	5669

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EXAMINER	
GRAHAM, PAUL J	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,036	JOHNSON, DAN SCOTT	
	Examiner	Art Unit	
	Paul J. Graham	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/24/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant argues: The specification was objected to for informalities. The Examiner suggested that Applicant provides the serial numbers of all co-pending applications mentioned on page 1 of the specification. Applicant has so amended the indicated portion of the specification to include such serial numbers. The Examiner also objected to the title of the Application as not descriptive. Applicant respectfully disagrees. The claims of the present Application are directed toward a system and method for accessing, transmitting and receiving audio/video (AV) program data using various components (e.g., a source component, a sink component, a presentation device, etc.). Therefore, Applicant respectfully submits that the title "Audio/Video Component Networking System and Method" is descriptive of the subject matter of the present Application. Accordingly, Applicant respectfully requests that the specification objections be withdrawn.

The Examiner thanks the applicant for supplying the requested serial numbers. The Examiner respectfully disagrees with the Applicant's assessment of the title. If the title is to stand as is, how is the inventive concept of the instant application distinguishable from those of: 10/808037, 10/808012, 10/808015 and 10808136 also entitled "Audio/Video Component Networking system and method"? As a result, Applicant's arguments are not persuasive.

2. Applicant argues: Claims 1-26 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2002/0056118 issued to Hunter (hereinafter "Hunter"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 13 and 22 are independent. Applicant respectfully submits that Hunter does not disclose or even suggest each and every limitation of independent Claims 1, 13 and 22. Hunter appears to disclose a video and music distribution system where audio and video content is delivered by blanket transmission to households utilizing a direct broadcast satellite transmission and corresponding receiving antenna dishes 24. (Hunter, paragraph [0051], figure 1). Hunter also appears to disclose that consumer user stations 228 receive the downlink transmissions of audio and video content via the home user's satellite dish 24. (Hunter, paragraph

[0128], figure 11). Hunter also appears to indicate that the audio and video content is received by a download module 220 of the user station 228 where it is stored digitally in a storage module 230, which Hunter describes as "a large hard disk drive having a storage capacity of 20 gigabytes, or more." (Hunter, paragraph [0128], figure 11).

Claim 1 recites a "sink component adapted to control presentation of AN program data received from [a] source component on [a] presentation device." In the Office Action, the Examiner appears to refer to either reference number 228 or 610 of Hunter as corresponding to the "sink component" recited by Claim 1. (Office Action, pages 2 and 3). Applicant respectfully disagrees. In the Office Action, the Examiner refers to the storage module 230 (which is part of the user station 228) of Hunter as the "source component" recited by Claim 1. (Office Action, page 2). Therefore, the user station 228/storage module 230 of Hunter cannot be construed to be both the "source component" and the "sink component" recited by Claim 1 as this would be an improper claim construction.

The Examiner respectfully disagrees with the Applicant. According to Hunter, A/V content may be delivered to the ***household*** and that reads on the applicant's spec "system 10 provides ... for a ***household*** ..." (see applicant's spec [0018]). According to Hunter (see Hunter [0051]) satellite transmission may be used and that reads on the applicant's spec "... a ***satellite*** tuner ..." (therefore, satellite transmission would be possible, see applicant's spec [0020]). The user station contains components that fulfill the sink functions (as listed in Applicant's spec, see [0021], the CPU communicates with at least one source component, it identifies and obtains program data, it delivers the data, and it controls the menu functions (see Hunter, Fig. 4 and [0063-0071]). The user station also contains components that fulfill the source functions (read DVD playback), and Applicant's spec notes that both the sink and source may be configured as part of a presentation device, where the presentation device would represent both a sink and source (see Applicant's spec, [0020]). As a result, Applicant's arguments are not persuasive.

3. Applicant argues: Nonetheless, neither the user station 228 nor the "'companion' set-top box 610" of Hunter is adapted to "transmit a command to the source component to control display of an A/V menu data stream on the presentation device" as recited by Claim 1. (emphasis added). For example, the user station 228 of Hunter appears to contain a viewer interface/interactive program guide that enables a user to determine what movies have been recorded onto the user station 228 and/or what movies may be available to view. (Hunter, paragraphs [0074]-[0076]). However, the user station 228 of Hunter does not appear to provide any "A/V menu data stream" as recited by Claim 1 (e.g., "a continuous or periodic data flow, predetermined or otherwise, such that the AN menu data flow may comprise a series of content-filled frames, periodic content-filled frames interlaced with null bit frames and/or a non-constant frame rate flow where a new data frame is sent in response to a change or update to the data, thereby enabling automatic updating of AN menu data provided to the user via sink component 12" (Applicant's specification, paragraph [0021])). (emphasis added). Further, the companion box 610 of Hunter appears to receive content from either the user station 228 or directly from a satellite dish and is configured to display menus and choices to a customer to facilitate selection of material to be recorded or displayed. (Hunter, paragraphs [0150] and [0151]). However, the companion box 610 of Hunter does not appear to provide any "A/V menu data stream" as recited by Claim 1. (emphasis added). Therefore, Applicant respectfully submits that for at least this reason also, Hunter does not anticipate Claim 1.

The Examiner respectfully disagrees with the Applicant. According to Hunter, the encoded programming data, which includes A/V content and scheduling data is written to the DVD ram drive, 86 (see Hunter, [0065], therefore the menu data is retrieved from 86 and in a digital bit-stream format). Also, according to Hunter, the companion set-top box, 610, does generate a menu (as a digital stream, i.e., an A/V menu stream) (see Hunter, [0151-0152]). As for "a continuous or periodic data flow, ..." this is not claimed. As a result, Applicant's arguments

are not persuasive.

4. Applicant argues Independent Claim 13 recites "controlling, via a command issued by the sink component to the source component, presentation of an A/V menu data .stream on the presentation device." (emphasis added). Independent Claim 22 recites "means for controlling, via a command issued by the sink component to the source component, presentation of an A/V menu data stream received from the source component on the presentation device." (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Hunter also does not anticipate Claims 13 and 22.

The Examiner respectfully disagrees with the Applicant. As for claims 13 and 22, according to Hunter, a processor (80 or 660) "controls" or acts as the "means of controlling" the process discussed by claim 1. For the same reasons as in rebuttal for claim 1, claims 13 and 22 stand rejected. As a result, Applicant's arguments are not persuasive.

5. Applicant argues Claims 2-12, 14-21 and 23-26 that depend respectively from independent Claims 1, 13 and 22 are also not anticipated by Hunter at least because they incorporate the limitations of respective Claims 1, 13 and 22 and also add additional elements that further distinguish Hunter. Therefore, Applicant respectfully requests that the rejection of Claims 1-26 be withdrawn.

The Examiner respectfully disagrees with the Applicant. As for claims 2-12 and 14-21 and 23-26 that depend respectively from independent Claims 1, 13 and 22, they stand rejected as does claim 1 for similar reasoning. As a result, Applicant's arguments are not persuasive.

Information Disclosure Statement

6. The references listed on the Information Disclosure statement filed 9/23/2005 have been considered by examiner (see attached PTO-1449).

Specification

7. The disclosure is objected to because of the following informalities: In the "related applications" section there are neither dates nor serial numbers for the related documents listed. Appropriate correction is required.

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter (US 20020056118).

As to claim 1, Hunter discloses An audio/video (A/V) component networking system (10), comprising: a source component (230, a DVD for example) (see [0124] plurality of source components);

a presentation device (32)(see [0151] TV as presentation device);

and a sink component (228 or 610) adapted to control presentation of A/V program data (235) received from the source component on the presentation device, the sink component adapted to transmit a command to the source component to control display of an A/V menu data stream (100) on the presentation device (see [0151] TV as presentation device and menu data displayed).

As to claim 13 is similar to claim 1 except that claim 1 is directed toward a system and claim 13 recites a method. Therefore the analysis of the sink component will be as it is in claim 1. Hunter discloses an audio/video (A/V) component networking method, comprising: controlling, via

a sink component, presentation of A/V program data received from a source component on a presentation device (see [0151] TV as presentation device and menu data displayed); and controlling, via a command (Fig. 12, step 1 selection by remote control) issued by the sink component to the source component, presentation of an A/V menu data stream on the presentation device (see [0151] TV as presentation device and menu data displayed).

As to claim 22, claim 22 is similar to claim 13; therefore claim 22 is analyzed with respect to claim 13 and claim 1 (see above).

As to claim 2, Hunter discloses the system of claim 1, wherein the sink component is adapted to decode (82) the A/V program data (see [0065] decoder is part of user station).

As to claim 3, Hunter discloses the system of claim 1, wherein the sink component is adapted to enable the user to access a menu interface associated with the source component (see Fig. 11, element 235 notes both audio (music) and video (TV based content, which is A/V); see [0151] TV as presentation device and menu data displayed—enabling a user to access menu).

As to claim 4, Hunter discloses the system of claim 1, wherein the sink component (610) is adapted to perform a registration operation to register the source component with the sink component (see [0163-0165], the sink registers the CD or another type of media player for playback).

As to claim 5, Hunter discloses the system of claim 1, wherein the sink component is adapted to transfer the A/V program data via a plurality of different types of communication networks (see [0156] the communication network will be registered or defined and accepted as the network to access storage to a central controller, which will store user information).

As to claim 6, Hunter discloses the system of claim 1, wherein the sink component is adapted to perform a registration operation to register a format of the A/V program data available from the source component with the sink component. (see [0163-0165], the sink registers the format of a CD or another type of storage media for playback).

As to claim 7, Hunter discloses the system of claim 1, wherein the source component is at least one of the group consisting of a satellite receiver component (600), a digital versatile disk (DVD) component (46), a cable component (600), a computer (36), a video recorder component, and a compact disc (CD) component (28) (see [0065], [0126], [0128], [0151-0152]).

As to claim 8, Hunter discloses the system of claim 1, wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component (see [0142] through communication with the on-screen GUI (of the presentation device) the user station, sink, realizes information about the user preferences for display on the presentation device, hence registers the device).

As to claim 9, Hunter discloses the system of claim 1, wherein the sink component is adapted to filter the A/V program data available from the source component based on a format of the A/V program data (see [0107-0111], each tier may represent a different format of program data).

As to claim 10, Hunter discloses the system of claim 1, wherein the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component (see [0118] a different presentation device, such as a DVD or live sports event may be represented by different tiers).

As to claim 11, Hunter discloses the system of claim 1, wherein the sink component is adapted to control a menu function associated with the A/V program data (see Fig. 11, element 235 notes both audio (music) and video (TV based content, which is A/V); see [0151] TV as presentation device and menu data displayed—enabling a user to access menu).

As to claim 12, Hunter discloses the system of claim 1, wherein the sink component is adapted to access an A/V program data library of the source component (the sink may access audio (songs-see [0153]) or video (movies - see [0143]).

As to claim 14, claim 14 is similar to claim 4; therefore claim 14 is analyzed with respect to claim 13 and claim 4 (see above).

As to claim 15, claim 15 is similar to claim 6; therefore claim 15 is analyzed with respect to claim 13 and claim 6 (see above).

As to claim 16, Hunter discloses the method of claim 13, further comprising decoding the A/V program data received from the source component (see [0065] decoder is part of user station).

As to claim 17, Hunter discloses the method of claim 13, wherein controlling, via a command issued by the sink component, comprises transmitting the command to at least one of the group consisting of a satellite receiver component, a digital versatile disk (DVD) component, a cable component, a computer, and a compact disc (CD) component (see [0151] TV as presentation device and menu data displayed).

As to claim 18, Hunter discloses the method of claim 13, further comprising accessing a menu interface of the source component (see Fig. 11, element 235 notes both audio (music) and video (TV based content, which is A/V); see [0151] TV as presentation device and menu data displayed—enabling a user to access menu).

As to claim 19, Hunter discloses the method of claim 13, further comprising displaying to a user a menu interface associated with the source component on the presentation device (see [0151] TV as presentation device and menu data displayed—enabling a user to access menu).

As to claim 20, claim 20 is similar to claim 9; therefore claim 20 is analyzed with respect to claim 13 and claim 9 (see above).

As to claim 21, claim 21 is similar to claim 10; therefore claim 21 is analyzed with respect to claim 13 and claim 10 (see above).

As to claim 23, claim 23 is similar to claim 18; therefore claim 23 is analyzed with respect to claim 22 and claim 18 (see above).

As to claim 24, is similar to claim 16; therefore claim 24 is analyzed with respect to claim 22 and claim 16 (see above).

As to claim 25, is similar to claim 4; therefore claim 25 is analyzed with respect to claim 22 and claim 4 (see above).

As to claim 26, is similar to claim 10; therefore claim 26 is analyzed with respect to claim 22 and claim 10 (see above).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg
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